

# *Transfer of Lands – Fulfillment of Indian Treaty obligations*

*being*

Order in Council 1747/79 (effective September 25, 1979).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

## ORDER IN COUNCIL 1747/79

under *The Forest Act*

To His Honour

The Lieutenant Governor in Council:

The undersigned has the honour to report that the lands described in Schedule "A" attached hereto are unoccupied provincial lands situated within the "Northern Provincial Forest" as described in The Forest Act, R.S.S. 1978, c.F-19.

The undersigned has the honour to report further that, pursuant to subsection 43(2) of The Forest Act, the Lieutenant Governor in Council may withdraw from a provincial forest any lands having a historical interest.

The undersigned has the honour to report further that The Provincial Lands Act, R.S.S. 1978, c.P-31, provides as follows:

**"20(1)** The Lieutenant Governor in Council may:

(e) set aside out of the unoccupied provincial lands transferred to the province under the agreement of transfer such areas as the Superintendent General of Indian Affairs in agreement with the minister may select as necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the province;

(d) authorize the minister or the Minister of Tourism and Renewable Resources, to exchange provincial lands for other lands in the province or purchase other lands in the province;"

**"22(1)** The Lieutenant Governor in Council may make such orders and regulations, not inconsistent with this Act, as are necessary to carry out its provisions according to their obvious intent, or to carry out the agreement of transfer or to meet cases which may arise and for which no provision is made by this Act; and may on grounds of justice or compassion, make an order in any special case waiving or modifying the requirements of the regulations and of the Dominion Lands Act and the regulations thereunder."

The undersigned has the honour to report further that The Mineral Resources Act, R.S.S. 1978, c.M-16, provides in part as follows:

**"11(1)** Crown mineral lands shall be disposed of only in accordance with this Act and the regulations;"

The undersigned has the honour to report further that pursuant to The Executive Council Act, R.S.S. 1978, c.E-13, the Minister of Northern Saskatchewan by Order-in-Council 827/72, as amended, was assigned the powers and duties assigned to the Minister of Natural Resources, and by Order-in-Council 18/74, the powers and duties of the Minister of Agriculture with respect to The Provincial Lands Act, both with respect to the "area" there described.

The undersigned has the honour to report further that the lands described in Schedule "B" are lands in the Province of Saskatchewan and are lands within the La Loche Indian Reserve No. 222, which are held by Her Majesty the Queen in the Right of the Dominion of Canada for the use and benefit of the La Loche Indian Band.

The undersigned has the honour to report further that, pursuant to an agreement between the Superintendent General of Indian Affairs and the Minister of Northern Saskatchewan, it has been agreed that the lands described in Schedule “A” will be transferred to Her Majesty the Queen in the Right of the Dominion of Canada in exchange for the lands described in Schedule “B”, which will be transferred to Her Majesty the Queen in the Right of the Province of Saskatchewan. These lands are estimated to be in equal value and size and it is deemed desirable and in the public interest to exchange these lands in order to enable Canada to fulfill its obligations under the treaties with the Indians of the Province.

The undersigned has the honour to report further that it is deemed expedient and in the public interest that Your Honour’s Order do issue, pursuant to The Forest Act, withdrawing those unoccupied provincial lands described in Schedule “A” from the “Northern Provincial Forest” as they are required for historical interest and are necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the Province.

The undersigned has the honour to report further that it is deemed expedient and in the public interest that Your Honour’s Order do issue, pursuant to The Provincial Lands Act and The Mineral Resources Act, having the unoccupied provincial lands described in Schedule “A” and the mineral rights attaching thereto set aside and transferred to Canada as such are necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the Province in exchange for the lands described in Schedule “B”, together with the mineral rights attaching thereto.

The undersigned has the honour, therefore, to recommend that Your Honour’s Order do issue, pursuant to The Forest Act, withdrawing those unoccupied provincial lands described in Schedule “A” from the “Northern Provincial Forest” and pursuant to The Provincial Lands Act and The Mineral Resources Act setting aside and transferring the administration and control of the said unoccupied provincial lands described in Schedule “A”, including minerals, to Her Majesty the Queen in the Right of Canada to enable Canada to fulfill its obligations under the treaties with the Indians of the Province of Saskatchewan in exchange for the federal lands described in Schedule “B”, together with the mineral rights.

Recommended by:

Jerry Hammersmith,  
Minister of Northern Saskatchewan.

Recommended by:

John R. Messer,  
Minister of Mineral Resources.

Approved by:

Gordon T. Snyder,  
A/President of Council.

Ordered by:

C. I. McIntosh,  
Lieutenant Governor.  
Regina, Saskatchewan.  
Certified True Copy

TRANSFER OF LANDS – FULFILLMENT OF  
INDIAN TREATY OBLIGATIONS

## SCHEDULE “A”

*Proposed La Loche Indian Reserve No. 222:*

The lands in the proposed La Loche Indian Reserve No. 222, as the said Indian Reserve is shown on a Plan of Survey of Record in the Land Titles Office for the Battleford Land Registration District as No. 79-B-04645.

Minerals Included.

## SCHEDULE “B”

*La Loche Indian Reserve No. 222:*

MThe lands in the La Loche Indian Reserve No. 222, as the said Indian Reserve is shown on a Plan of Survey of Record in the Land Titles Office for the Battleford Land Registration District as No. 66-B-00376.

Minerals Included.